

1 UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

2 Civil Action No. 04-30172-MAP

3 ROBERT DADE,  
4 Plaintiff,

5 vs.

6 BOLAND BUILDERS, INC., THOMAS  
7 M. BOLAND, STUART JONES AND  
8 MARY ROSE JONES,  
9 Defendants.

10 DEPOSITION OF: MARY ROSE JONES, called by  
11 counsel for the Plaintiff, taken pursuant to the  
12 Federal Rules of Civil Procedure before Leigh B.  
13 Gershowitz, Certified Shorthand Reporter, Registered  
14 Merit Reporter, Certified Realtime Reporter and  
15 Notary Public, at the Offices of O'Connell, Flaherty  
16 & Attmore, 1350 Main Street, Springfield,  
17 Massachusetts, on Friday, October 21, 2005,  
18 commencing at 10:15 a.m.

19 APPEARANCES:

20 See Page 2

21 Leigh B. Gershowitz, CSR, RMR, CRR  
22 Certified Shorthand Reporter  
23 Registered Merit Reporter  
Certified Realtime Reporter

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1 APPEARANCES:

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22 Also in Attendance:

23 Shawn, Liberty Mutual Insurance Company  
Stewart Jones

1 STIPULATIONS

2  
3 It is agreed by and between the parties that  
4 all objections, except as to the form of the  
5 question, are reserved to be raised at the time of  
6 trial for the first time.

7  
8 It is further agreed by and between the  
9 parties that all motions to strike unresponsive  
10 answers are also reserved to be raised at the time of  
11 trial for the first time.

12  
13 It is also agreed that the deponent will  
14 read and sign the deposition.

15  
16 It is further agreed by and between the  
17 parties that notification to all parties of the  
18 receipt of the original deposition transcript is also  
19 hereby waived.  
20  
21  
22  
23

9

1 A. No.

2 Q. Okay. So to the best of your knowledge,  
3 they don't have any personal information about the  
4 events?

5 A. No.

6 Q. When did you first decide to put a new  
7 roof on the house, if you can recall?

8 A. June, 1995.

9 Q. What is it about that that makes it clear  
10 in your memory?

11 A. Well, when we bought the house, it needed  
12 a new roof.

13 Q. Okay. And when did you decide this is  
14 time to do it?

15 A. I'm trying to think how to answer this.  
16 It was just a matter of when we had enough money to  
17 do it.

18 Q. Now, according to the lawsuit, the  
19 accident happened on or about September the 7th,  
20 2001. Is that consistent with your recollection?

21 A. Yes.

22 Q. Do you remember what day of the week that  
23 was?

10

1 A. I have no idea.

2 Q. With September 7, 2001 as the day of the  
3 accident, when is the first time -- strike that.

4 When did you -- how is it that Dade did the  
5 roofing?

6 A. In June of 1995, we bought the house. We  
7 knew it needed a new roof. We knew we were going to  
8 add on. For several years we planned that, thought  
9 about it, figured out what it would look like. And  
10 there is a green roof exactly like the one I have on  
11 a bed and breakfast in Connecticut. We used to drive  
12 by it. Eventually, a couple years later, we stopped  
13 by, talked to the owners, found out who did their  
14 roof and then we called them probably two years  
15 before we ever contacted our contractor because that  
16 was the roof I wanted.

17 Q. Do you recall who it was at Dade that you  
18 spoke with when you were first investigating the  
19 roof?

20 A. No. I gave the name and number of that  
21 firm to Tom Boland when we hired Boland to do our  
22 construction. We said, "This is the roof we want."

23 Q. By the way, do you work outside the home?

11

1 A. Yes.

2 Q. And what is your professional occupation?

3 A. I'm a consultant for a management  
4 consulting firm.

5 Q. And do you -- I ask do you work outside of  
6 the home, do you have a home office or do you  
7 work --

8 A. I have a home office. I live in  
9 a virtual -- I work in a virtual office environment  
10 and I travel probably four or five days a week,  
11 three-quarters of the year.

12 Q. But the home base is 169?

13 A. Yes.

14 Q. How did you decide to have Boland do the  
15 general construction that was being done at the  
16 house?

17 A. I had a very good friend, who has since  
18 passed away, but she had remodeled a couple of houses  
19 and I had asked her for someone who was good and  
20 reliable.

21 Q. About when was it that you started  
22 investigating and coming up with Boland as --

23 A. About 18 months before we started.

12

1 Q. And generally what work was Boland to do?  
2 I don't need the specifics, but generally what were  
3 they to do?

4 A. He was our contractor, so he was  
5 responsible for getting it done.

6 Q. Okay. But what renovations or remodeling  
7 was being done?

8 A. We added an addition -- we actually did  
9 two additions at the same time, one on the back of  
10 the house and one on the side of the house. And he  
11 reroofed our barn and our house at the same time. So  
12 he was responsible for all of that. And we put in a  
13 new septic system.

14 Q. Now, during that period of time, you were  
15 generally on the road four days a week?

16 A. Yes.

17 Q. Do you recall when Boland began the work?

18 A. I don't recall the exact date or time.

19 Q. Do you recall roughly how long before the  
20 accident Boland began the work?

21 A. Well, I don't recall the exact months or  
22 dates. At the stage he was in, he had to have begun  
23 a lot sooner to get to the roof part.

1 Q. And you have your area where you work and  
2 that's near an area where these gentlemen were  
3 looking at --

4 A. Yes.

5 Q. -- what work was to be done?

6 A. Yes.

7 Q. Where did you see them walking and  
8 inspecting and viewing inside the house?

9 A. In the kitchen, where the -- the kitchen,  
10 which is the addition.

11 Q. And do you recall anything that was said  
12 by anybody?

13 A. Not really.

14 Q. Who all was there, do you recall?

15 A. Well, Boland was there.

16 Q. And this is Tom Boland?

17 A. Tom Boland. Someone from -- I think there  
18 were -- actually, two guys from the roofers. And  
19 that's all I remember.

20 Q. Okay.

21 A. I think, you know, the plumber might have  
22 been -- you know, there were people there everywhere  
23 all the time. And when you're trying to work, it's,

18

1 you know... Do you know what I'm saying? I wouldn't  
2 know who was there, who was not. I just  
3 remember -- I remember Tom was walking the roofers  
4 through. And, you know, it was a pretty exciting  
5 step, as I said earlier, so we were all interested  
6 in -- this was -- just the fact that the roof was  
7 going to finally get on.

8 Q. Was your husband home at that time?

9 A. Yes.

10 Q. And was he in the kitchen area as well?

11 A. Yes.

12 Q. Do you recall who was there with Dade, the  
13 organization?

14 A. (Witness shook head.)

15 Q. The roofers?

16 A. No.

17 Q. Do you know -- do you remember whether or  
18 not Robert Dade was there?

19 A. No.

20 Q. Do you know who Michael Dade is?

21 A. No.

22 Q. Did you have any -- were there any other  
23 occasions in which you were in the vicinity of

1 anybody from Dade Roofing where there was some  
2 discussion going on that you could either see or  
3 overhear that you can recall today?

4 A. Other than the day of the accident, no.

5 Q. Now, turning back to the other occasion

6 when Boland was showing the roofers sort of around,

7 do you recall -- and I may have asked you this, and I

8 apologize -- do you recall specifically anything that

9 was said to anybody?

10 A. I don't recall anything specific. I know  
11 that there was -- it was before they actually started  
12 the barn. And so there was a discussion about what  
13 was going to happen first. I was very interested in  
14 the order of events. I -- not being home a lot,  
15 that's an important issue to me. I want to know  
16 what's going to get done, who is going to do it, what  
17 time are they going to -- and I know the plan was  
18 made to do the barn first and the kitchen last.

19 I know that -- and I honestly don't  
20 know -- and I guess that's all I know. I just know  
21 it was -- the order of events was very important and  
22 the landscape of what they had to do, what they had  
23 to accomplish. And the fact that we talked about how

20

1 we wanted the flow of the roof to go because the roof  
2 was going over both the old and the new. It was very  
3 important to me to see it tied together, that it  
4 looked like it was a single job, not two pieces.

5 I know they talked about the skylights.

6 They talked about the overhang on the porch. And we  
7 had a problem with how the overhang was fitting  
8 together. I know they talked about that. But I  
9 think that's all.

10 Q. There were skylights to be installed in  
11 the kitchen, correct?

12 A. Yes, three.

13 Q. Had those skylights been installed?

14 A. Skylights were not installed.

15 Q. Had the openings been cut?

16 A. Yes.

17 Q. And what was covering the openings, if you  
18 know?

19 A. Eventually there was tarpaper covering the  
20 openings, but I don't remember if that tarpaper was  
21 on that day or if it was put on later. Tom was in  
22 the -- Tom was -- Tom was in the process of getting  
23 the roof ready for the guy to put -- for the roofing

1 Q. When you saw Robert Dade on the floor of  
2 the kitchen, did you recognize him at all as having  
3 been in the group of people who had done the  
4 walk-through --

5 A. Yes.

6 Q. -- earlier?

7 A. Yes.

8 Q. After the accident and after you got to  
9 Mr. Dade, what did you say to him, what did he say to  
10 you?

11 A. I don't remember specifically what he  
12 said. I know I tried to help him get up. He didn't  
13 want to be touched. Stew had rushed up as well. And  
14 I don't even remember which one of us called 911.  
15 One of us did. He just didn't want to be touched. I  
16 offered to help, but it appeared that he was in a lot  
17 of pain and was afraid to be touched. So we just  
18 tried to calm him down.

19 Q. How long did it take for EMTs, ambulance  
20 to arrive?

21 A. It seemed like moments. We live very  
22 close to town. So it wasn't very long at all.

23 Q. As best you can tell me -- and you may

1 have already told me everything you can recall -- but  
2 tell me everything you can recall from the time --  
3 that was said either to Mr. Dade or by Mr. Dade from  
4 the time you got there, after hearing the scream and  
5 the crash, until he was taken away by the ambulance?

6 A. Well, Stewart and I were trying to help  
7 him and comfort him. It wasn't -- we weren't very  
8 good at it and he wasn't real receptive. And he was  
9 trying -- I remember he was trying to maintain  
10 composure.

11 When the EMT people got there, he didn't  
12 want -- he was afraid of being touched. And it  
13 was -- there was a lot of contention at the time  
14 between them and him. And sitting here now, I don't  
15 even remember what happened after that. I don't  
16 remember if they finally got him to go to the  
17 hospital or if he drove himself. Now I can't  
18 remember. I think they finally got him to cooperate.  
19 I think that he was just in a lot of pain.

20 But, you know, I honestly don't remember.  
21 It was a long time ago and it was a very intense day.

22 Q. Right. After Mr. Dade was taken in the  
23 ambulance to the hospital, did you ever see him after

1 that?

2 A. No.

3 Q. So you've never spoken to him since then,  
4 to your knowledge?

5 A. There were one or two phone calls  
6 exchanged between their company -- I don't remember  
7 if I personally did it or Stew called them. We were  
8 very concerned of how he was doing. So I don't  
9 remember if they called us or we called them.  
10 Something. But maybe within a few days of that  
11 making sure he was okay.

12 Q. And those discussions concerned his  
13 health?

14 A. Yes.

15 Q. And did they concern in any way -- was  
16 there any discussion at all about how the accident  
17 happened?

18 A. No.

19 Q. After the accident, did you talk to Tom  
20 Boland about how the accident happened?

21 A. Not about how the accident happened, but I  
22 called Tom and actually talked to his -- actually  
23 talked to his wife. And then she had Tom call me.

1 Q. And when you spoke to Tom Boland, what did  
2 he say to you and what did you say to him?

3 A. He was just horrified that it happened.

4 Q. And was there any discussion about how and  
5 what had transpired, what caused it, anything like  
6 that?

7 A. There was some discussion about how and  
8 what had transpired.

9 Q. Just tell me what you recall.

10 A. The things that I recall is that none of  
11 us knew that the roofers were going to be at the main  
12 house that day, there wasn't supposed to be any  
13 activity taking place up where we were. And they  
14 hadn't finished the barn yet. So that was the first  
15 thing, we were surprised that they were even up at  
16 the house.

17 Tom was just frustrated, seemed frustrated  
18 to me, and Stew seemed frustrated because they had  
19 just walked the guys through the day before, a couple  
20 days before, showing them the skylights so they would  
21 know the job and couldn't believe that it happened  
22 It was mostly disbelief that it happened, is the  
23 sense that I got.